

REGULAR MEETING AND PUBLIC HEARING  
OF THE FALLS CHURCH PLANNING COMMISSION  
March 16, 2009  
Council Chamber

1. CALL TO ORDER: Chair Lawrence called the meeting to order at 7:48 p.m.

2. ROLL CALL:

Members Present: Ms. Hockenberry  
Mr. Kearney  
Mr. Lawrence  
Mr. Meeks  
Ms. Rodgers  
Ms. Teates

Member Absent: Mr. Wodiska

Administrative Staff Present: Ms. Cotellessa, General  
Manager of Development  
Services and Planning  
Director

3. ADOPTION OF AGENDA:

**MOTION:** Ms. Teates moved, and Ms. Hockenberry seconded, to  
adopt the agenda.

Upon voice vote, the motion passed unanimously.

4. PLANNING COMMISSION REPORTS:

Ms. Teates reported she attended the EDA meeting last week and there was a very interesting presentation by the Tinner Hill group about the plans for the Blues Festival which was held in Cherry Hill Park last year. They were looking to see if the EDA could provide grant money to help with the publicity of the program. Strong plans were outlined for the Blues Festival making it more regional and bringing people into Falls Church to help brand Falls Church as an actual place. She declared it was a great presentation and she was looking forward to the Blues Festival and all the improvements they were going to make.

Ms. Hockenberry seconded the idea of the Blues Festival and said they were working to keep it bigger and better than last year while also keeping costs down.

Ms. Hockenberry reported she spent two hours on Saturday with 7th graders and their teacher standing in front of Papa John's Pizza on Pennsylvania Avenue and Broad Street. The children were counting how many cars were turning, jaywalkers and which way they were going, to put together a report which will come before the CACT, the Planning Commission, and City Council as a community project. She said there was no place to cross the street at that location which is something the City needs to look at because it is a very, very dangerous intersection.

Ms. Rodgers reported there was a ZOAC meeting where initial corrections to the draft were gone over. Comments would be made electronically and no meeting would

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be had until it came back from the consultants. After that, it would be presented to the Planning Commission in a worksession, probably sometime in April. It wouldn't be a public hearing but a look at the first draft.

Chair Lawrence commented on how useful the additions to the web site are and wished to commend staff for their good work.

5. RECEIPT OF PETITIONS: None.

6. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Cotellessa recalled at the last Planning Commission meeting there had been a unanimous recommendation for a major home occupation for Mr. Garg regarding his accounting business, and reported last Thursday, March 12, 2009, it had been approved unanimously by the Board of Zoning Appeals for an indefinite period.

Ms. Cotellessa noted last week Mr. Khanmalek came in to make tweaks to his project, the Palladium, addressing sidewalk and parking issues. He has not yet brought that back in but he was trying to make progress on that.

Discussions were moving forward on the CCSA project with the Falls Church Housing Corporation. They had not resubmitted a site plan for the project but were working on it and it was expected to be seen within the next month or so.

Ms. Cotellessa mentioned that staff members had been working to make more timely uploads to the web site. Urban Forestry was getting the necessary software to put up all the classes and projects they were doing in a timely way. In the next month or so, anyone would be able to go on the web and pick up both GIS and real estate records together and look at not only straight aerial views but other interesting views of properties. It is currently in production and will be a useful tool going through the planning process. The software can be used to do modeling when looking at infill development. When ready, it will be brought before the Planning Commission to demonstrate how it functions.

Ms. Cotellessa advised the commissioners this Thursday there will be a worksession on the George bus issue, Development Services, which includes Planning and Urban Forestry.

GIS and Zoning will be on March 28th, which is a different date than previously noted. Later this evening there will be a worksession on the North Washington Streetscape as well as a brief discussion on the current work program.

The next meeting will be on March 30, the fifth Monday of the month. It will be a two-sided worksession: First a joint worksession with the City Council on the Capital Improvements portion of the budget, followed by a worksession on the BJ's site plan.

Ms. Rodgers thanked Ms. Cotellessa for the information on the BZA, noting that in the past frequently recommendations were made and the commissioners never heard what happened in the BZA and she appreciated receiving that information.

7. OLD BUSINESS: None.

8. NEW BUSINESS:

Review of Ethics Regulations

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Ms. Cotellessa gave a Powerpoint presentation highlighting some of the issues on ethics with respect to the Planning Commission. The Planning Commission had adopted in the back of their Rules and Procedures some of the ethics statements from the American Planning Association. Boards and commissions throughout Virginia and the United States occasionally adopt separate ethics codes. Ms. Cotellessa had pulled together language from those codes along with the statement from the Planning Commission's own rules and procedures for a quick overview.

The ethical principles that all Planning Commissions and planners abide by derive from the general values of society and the planners' special responsibility to serve the public interest, creating a good balance among the various interests.

The Planning Commission is working for the common good, which involves expanding choices and opportunities for those who might not have them, and requires the individual planning commissioner to pay special attention to the inner relatedness of decisions and long-range consequences of the types of actions undertaken. It is also to ensure that fair and equitable treatment is meted.

Compliance With The Law: Federal, State, laws of Falls Church City, constitution, codes, regulations, City ordinances and policies must be complied with. Policy issues are sometimes the most difficult.

Conduct Of Members: There is a need to act above reproach and avoid even the appearance of impropriety. The need to remain civil is obvious and to make sure talk is in regards to the issues at hand and not challenging others' motives.

Respect For Process: Ms. Cotellessa noted respect for the process was certainly at a premium in Falls Church. Not only do the commissioners do their duties in accordance with the by-laws adopted, but they seek and support meaningful involvement of the public which means getting information out in a timely way, making sure the reports and the minutes of the proceedings were available to the public. Staff has been trying very hard to expand their reach on the web and has started getting things out to the commissioners earlier than in the past to provide extra time for review and also to present to the public.

Conduct Of Public Meetings: Listen attentively, focusing on the business at hand, not to get off the track, and respect for everybody else's opinion and refrain from interrupting and making personal comments. The key to a defensible and proper decision is that it's based on the merits and substance of the matters at hand rather than on unrelated considerations.

Communication: If a member has had ex parte communication, then that member needs to communicate relevant and substantive information derived outside of this process, and it should be brought to the dais.

Conflict Of Interest: One of the hardest things to deal with is conflict of interest, particular in a small community. In a large community decisions can be made regarding things happening in another part of a vast county, but in Falls Church things have an effect on each of the members and where they live.

When there is a financial interest, whether you have stock in a company or work for a company that is before the Commission, the key is that you have to worry if there is an appearance of a conflict of interest. It doesn't mean you need to recuse yourself, but it does need to be laid out on the table for people to know. Disclosure is partly through statements of economic interest each year, and if there is an interest in a property before the Commission, it should be laid out.



No gifts, favors, promises or benefits can be accepted and you should not participate in deliberations and decision making where conflicts may exist. If a member is a consultant on a project and the project comes in, that is a conflict of interest.

Ms. Cotellessa noted BJ's Warehouse is coming forward soon and that while members may shop at BJ's, no one would consider that a problem in terms of this issue.

Representation of Private Interests: Because the commissioners are stewards of the public interest, they have to be clear they don't appear on behalf of other people, not just before this body but other bodies. It's difficult to do in a small community. You don't want to appear before the City Council or the Architectural Review Board or the Tree Commission if sitting on this body and you have an interest as a consultant. You want to define that personal interest very broadly so if it's an actual or potential advantage or benefit for you, your spouse, someone living in your home or family member, directly or indirectly, it needs to be disclosed.

Chair Lawrence asked if that meant you shouldn't go to any other Board or Commission on any matter, not just one before the Planning Commission. Ms. Cotellessa explained it was generally frowned upon for a commissioner to have as a client somebody going to another Board or Commission. If you own a tree company and are sitting on the Planning Commission, it's considered untoward to go and take the tree inventory before the Tree Commission because there is an appearance of undue influence. You're an official of the community, and to come here you have to be at arm's length. Her recommendation was no, you would not go before that body and to always err on the side of caution, if there was ever any question.

Advocacy: The City establishes policy in the Comprehensive Plan and the commissioners will often represent those policies and positions when out in public. The commissioners represent the established policy of the City. It may be that one particular issue is something they personally don't agree with; but if it is an adopted goal of the City, it's incumbent upon the commissioner to represent that. She acknowledged that was sometimes hard to do. One of the things the planning commissioners do is assist in clarifying, if there is not clarity, because they've been through the whole process and have a unique understanding of that. If a commissioner is at a party and wants to state an opinion and was not in favor of a particular project, that commissioner needs to make sure it is understood that is their opinion and not their opinion as a planning commissioner.

Compliance and Enforcement: This is self-enforcing. Every community has an obligation to make sure the standards are understood, and that public has confidence in what they're doing. A major step was taken by adding some of the APA language in the by-laws. The chair in this situation also has an additional responsibility in that if there are problems of potential conflict of interest, the chair needs to call that to the attention of the member.

Further, when there is a project on which a commissioner has a material interest and they recuse themselves, the best course of action is to leave the hearing. While it is not against the law to sit in the audience, there is the appearance, if the commission is discussing something and the recused member is sitting there making faces, and it's just as well to leave the room.

Chair Lawrence commented if somebody had a question, they can go to either Chair Lawrence, Ms. Cotellessa or the city attorney, and she acknowledged they were all

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good resources.

9: OTHER BUSINESS: None.

10. APPROVAL OF MINUTES: 2 March 2009

Ms. Teates moved, and Ms. Hockenberry seconded, to approve the minutes of March 2, 2009, as submitted.

Upon voice vote, the motion passed unanimously.

11. ADJOURNMENT:

Ms. Teates moved, and Mr. Meeks seconded, to adjourn the meeting at 8:10 p.m. Immediately following the meeting, the Planning Commission met in a worksession to discuss the North Washington Street Streetscape Design and the Department of Development Services 2009 Work Program.

Respectfully Submitted,

Noted and Approved:

Ann Hieber  
Recording Secretary

Suzanne Cotellessa, AICP  
Planning Director

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